

# **City of Indianapolis**

## **Six-Month Status Report**

**Report No. 3**

**(October 1, 2007 through March 31, 2008)**

**Consent Decree**

**Case # 1:06-cv-1456**



Department of Public Works  
Indianapolis Clean Stream Team

Date Submitted: April 11, 2008

Report to:	
U. S. EPA	Chief Water Enforcement and Compliance Assurance Branch Water Division U. S. Environmental Protection Agency, Region 5 77 West Jackson Blvd Chicago, Illinois, 60604
IDEM	Chief, Compliance Branch Office of Water Quality Indiana Department of Environmental Management 100 North Senate Avenue Mail Code 65-42 Indianapolis, IN 46206  Chief, Enforcement Section Office of Legal Counsel Indiana Department of Environmental Management 100 North Senate Avenue Mail Code 60-01 Indianapolis, IN 46206
From:	City of Indianapolis Department of Public Works 2460 City County Building 200 East Washington Street Indianapolis, IN 46204

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TABLE 3. DESCRIPTION OF WORK PROJECTED TO BE PERFORMED DURING THE NEXT REPORTING PERIOD (04/01/08 THROUGH 09/30/08)

## **1. CONSENT DECREE COMPLIANCE STATUS (XI. ¶ 36 (a))**

**A statement setting forth the deadlines and other terms that Indianapolis has been required by this Consent Decree to meet since the date of the last statement, whether and to what extent Indianapolis has met these deadlines, and the reasons for any noncompliance.**

Table 1, attached, lists all deadlines and other terms required by the Consent Decree since October 1, 2007, and provides the status of compliance for each. Bid Year and Achievement of Full Operation (AFO) Certification Forms are also attached, as applicable, to Table 1. Although not required under the Consent Decree, Fact Sheets are also provided in Appendix 1 for projects in Table 1.

## **2. DESCRIPTION OF WORK (XI. ¶ 36 (b))**

- a. A general description of the work completed within the prior six-month period and, to the extent known, a statement as to whether the work completed in that period meets applicable Design Criteria.**

Table 2, attached, provides a general description of work completed during the current reporting period (10/01/07 through 03/31/08) and whether the work completed meets applicable Design Criteria.

- b. A projection of work to be performed pursuant to this Consent Decree during the next six-month period.**

Table 3, attached, provides a description of work projected to be performed during the next six-month period.

## **3. STATUS OF REQUEST FOR REVISION OF WATER QUALITY STANDARDS (XI. ¶ 36 (c))**

**A statement as to Indianapolis' understanding regarding the status of IDEM's response to the City's request for a revision to water quality standards in accordance with Section 9 of the City's Long Term Control Plan.**

As reported in the last CD status report (CD Status Report #2), the City submitted its final Use Attainability Analysis (UAA) to IDEM on 6/8/07. The final UAA was the result of extensive coordination with EPA and IDEM, as well as a great deal of public involvement. Per letter from IDEM Chief of Permits Paul Higginbotham, dated 12/21/07, IDEM approved the UAA. IDEM's approval letter is included as Appendix 2 to this report.

It is the City's understanding that IDEM will issue a public notice of adoption of a proposed rule, as required under SEA 234. This notice will include a 30-day public comment period. This is expected to occur sometime during May. After the public comment period, IDEM will complete responses to the public comments and send a package to the Water Pollution Control Board (WPCB) for approval. It is the City's understanding that the Board will receive the rule for consideration at its June 11, 2008 meeting. IDEM is also expected to prepare a general UAA presentation to the Board for its May 14, 2008 meeting, to provide information on the wet weather subcategory designation in state law and on Use Attainability Analyses in general.

#### **4. REPORTS SUBMITTED IN THE PREVIOUS SIX MONTHS (XI. ¶ 36 (d))**

**Copies (to U.S. EPA only) of all Monthly Monitoring Reports and other reports pertaining to CSOs, SSDs and bypassing that Indianapolis submitted to IDEM in accordance with Indianapolis' Current Permits in the previous six months.**

Appendix 3, attached, provides copies of the monthly monitoring reports and other reports pertaining to CSOs, SSDs and bypassing submitted to IDEM during the previous six months.

#### **5. SEWER SYSTEM OPERATION AND MAINTENANCE PLAN (XI. ¶ 36 (e))**

**1) Copies of any plan that Indianapolis has developed for its contractor United Water (or United Water's successors) with respect to operation and maintenance of the Sewer System during the prior six-month period (e.g., the "Collection System Maintenance Plan").**

There were no new plans developed during the prior six-month window. However, there are currently several relevant plans, which will be available when completed within the next month. In the interim, United Water is complying with draft plans.

**2) Any reports that United Water (or its successors) submitted to Indianapolis regarding its implementation of such plan during the prior six-month period (e.g., the "Collection System Maintenance Report").**

Appendix 4, attached, includes relevant portions of monthly reports on system operation and maintenance prepared and submitted to the city by United Water during the previous six months.

**3) A statement as to whether Indianapolis believes that United Water (or United Water's successors) has complied with any such plan.**

Indianapolis believes that United Water has complied with the applicable plan during the last six months.

**4) A statement as to whether United Water's (or United Water's successors) failure to comply with such plan caused any CSO, Unlisted CSO, SSD or bypass.**

Not Applicable.

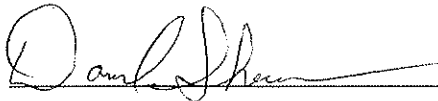
**6. STATUS OF NOTICES TO PROCEED (XI. ¶ 36 (f))**

**A description of any notices to proceed for any CSO Control Measure or measures specified in Exhibit 3 that Indianapolis has revoked in the prior six-month period, and a description of the status of Indianapolis' compliance with Section VIII with regard to issuance of a new notice to proceed.**

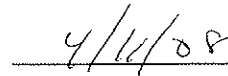
Not Applicable.

**7. CERTIFICATION STATEMENT**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



David Sherman, Director, Department of Public Works



Date

## **8. APPENDICES**

**Appendix 1. Fact Sheets for selected Consent Decree projects**

**Appendix 2. IDEM UAA Approval Letter**

**Appendix 3. Copies of reports submitted to IDEM**

**Appendix 4. Copies of reports submitted to the City by United Water on Sewer System Operation and Maintenance (XI. ¶ 36 (e))**